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C O N F I D E N T I A L BOGOTA 004340

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TAGS: PGOV PREL PTER MARR CO

SUBJECT: COLOMBIA: ADDRESSING COLMIL EXTRAJUDICIAL KILLINGS

REF: A. BOGOTA 03872

1B. BOGOTA 1322

Summary

11. (C) Defense Minister Santos set up a high-level commission chaired by Vice Minister Jaramillo to address the apparent increase in extrajudicial killings by the Colombian military. He also ordered Armed Forces Commander Padilla to incorporate international humanitarian law into all operational planning and to facilitate the arrival of civilian judicial investigators at the scene of combat deaths. Charge Drucker urged Army Commander Montoya to ensure aggressive military action against illegal groups does not inadvertently contribute to extrajudicial killings. The UN High Commission on Human Rights (UNHCHR), International Committee of the Red Cross (ICRC), and human rights groups have voiced concern about the issue, with the UNHCHR reporting a rise in alleged crimes from 145 in 2005 to 178 in 2006. End Summary.

GOC Investigates Extrajudicial Killings

12. (U) Defense Minister Santos issued permanent directive 10 on June 6 which set up a commission -- chaired by Vice Minister Jaramillo and including Military Criminal Justice director Luz Marina Gil, GOC Human Rights Program director Carlos Franco, and the Deputy Commanders of each service -- to address the apparent increase in extrajudicial killings by the Colombian military. The commission will support criminal and disciplinary investigations of alleged killings, recommend appropriate policy changes to ensure aggressive military action against narco-terrorists does not inadvertently contribute to such killings, and meet periodically with international organizations to seek their comments. Jaramillo said he would propose changing promotion criteria to recognize a broader range of achievements -- e.g. captures and demobilizations alongside kills, and advances like territorial control and relations with civilians.

13. (U) In the directive, Santos also ordered Armed Forces Commander Fredy Padilla to instruct military personnel to build international humanitarian law (IHL) and legal advice into all operational planning, establish clear rules of engagement, exhaust all resources to enable civilian investigators to reach the scene of combat incidents, preserve the scene until civilian investigators arrive,

comply strictly with laws on the custody of civilians suspected of criminal activity, and afford the International Committee of the Red Cross (ICRC) immediate access to prisoners.

¶4. (U) Military Justice director Gil told polcouns in June the Judicial Police have begun to attach units to Colombia's joint commands, a move that will help civilian investigators to reach potential crime scenes. She said the military is also training personnel to preserve a potential crime scene until civilian investigators reach the site.

¶5. (C) Army Commander Mario Montoya met local UNHCHR representative Juan Pablo Corlazzoli on June 6 and agreed to allow UNHCHR personnel to visit the staff of each of the Army's seven divisions to review the circumstances and status of all alleged extrajudicial killings attributed to a particular division. This process would start the week of June 11. Montoya's invitation to the UNHCHR follows earlier meetings with Charge Drucker that focused on human rights concerns, including extrajudicial killings (ref B). Montoya explained to the Charge that he constantly pushes commanders to be more aggressive, but said his metrics extend beyond kills to include captures, desertions, destruction of weapons, camps, and drug labs, and interdiction.

Killings Apparently on the Rise

¶6. (U) The GOC's actions follow growing concern about an apparent increase in extrajudicial killings committed by the military. These are generally defined as homicides without permission of a court or legal authority, or homicides committed outside of combat. Regardless of ties to illegal armed groups, victims are deemed civilian non-combatants if unarmed and in plain clothes at the time of death. In its 2006 annual report, the UNHCHR said such killings were increasing, rising from 145 in 2005 to 178 in 2006. Corlazzoli told polcouns on June 8 that the number of alleged killings reported so far this year exceeds that during the comparable period last year. The Colombian Commission of Jurists (CCJ), a well-known human rights group, reports (ref A) even higher levels, claiming the number of killings nearly doubled from 135 in 2001-2 to 262 in 2005-6.

Drivers: COLMIL Growth; Pressure to Show Results

¶7. (C) Human rights groups and GOC officials say multiple factors may account for the apparent increase in extrajudicial killings. The 2006 UNHCHR report voices concern that military personnel's "inadequate understanding" of the demand for results in the war against illegal armed groups may lead to such killings. Corlazzoli told polcouns the Army's emphasis on kills as a measure of aggressiveness is counterproductive. Local ICRC director Barbara Hinterman said the Colombian military's human rights performance is better than many other militaries, but agreed the military's stress on body count leads to illegal deaths. She said individual commanders are the key to soldiers' behavior, and supported GOC efforts to develop clearer rules of engagement.

¶8. (C) Colombian military officials believe the more than 30 percent increase in force numbers since 2002, coupled with a tripling in combat operations, could also be contributing to extrajudicial killings. The military has expanded into areas of terrorist concentration, with greater operational assertiveness and higher frequency of enemy contact. Independent think tank Resource Center for the Analysis of Conflicts (CERAC) maintains that while human rights-related charges against the military have increased in recent years, they have declined in proportion to the growth in the military. Corlazzoli told polcouns fabrication is also an issue. The UNHCHR has received reports that in some areas, such as Santander, the FARC has instructed families of FARC

members killed in combat to file complaints that the FARC fighters were victims of extrajudicial murder. Still, Corlazzoli said that after adjusting for such false claims, the trend in alleged killings is disturbing.

Drucker